

REMARKS

Status of the claims

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13-15, 21-26, 31, 34, 35 and 38-48 were pending and claims 1, 2, 4, 5, 7, 8, 10, 11, 13-15, 21-26, 31, 35 and 38-47 had been withdrawn from consideration.

By virtue of this paper, claims 34 and 48, along with withdrawn claim 1, have been amended to make explicit that at least one engineered Cys2-His2 zinc finger binding domain is non-naturally occurring, as described throughout the as-filed specification, for example, in paragraph [0009] on page 3, lines 28-32.

Accordingly, claims 1, 2, 4, 5, 7, 8, 10, 11, 13-15, 21-26, 31, 34, 35 and 38-48 are pending as shown above and claims 34 and 48 are under active consideration.

Applicants again note that rejoinder of the method claims containing all the limitations of product claims 34 and 48 is in order upon indication of allowable subject matter.

Rejections Withdrawn

Applicants note that the previous rejection of claim 48 under 35 U.S.C. § 103(a) over *Vegeto* in view of *Liu* has been withdrawn. (Office Action, paragraph bridging pages 2-3). In addition, the rejection of claim 34 under 35 U.S.C. § 102(b) as allegedly anticipated by *Barbas* has also been withdrawn. (Office Action, page 3).

35 U.S.C. § 102

Claims 34 and 48 as previously pending were newly rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WO 96/06110 (hereinafter “*Gilman*”). (Office Action, pages 35). It was asserted that *Gilman*’s composite proteins encompassed engineered Cys2-His2 zinc finger binding domains. *Id.*

Although Applicants submit that the term “engineered” encompasses only non-naturally occurring zinc finger binding domains, claims 34 and 48 have been amended above to make it explicit that at least one zinc finger binding domain of claimed

complexes is non-naturally occurring. See, e.g., paragraph [0009], on page 3, lines 28-32 of the as-filed specification. As acknowledged by the Examiner, Gilman uses only naturally occurring Cys2-His2 zinc fingers in their composite proteins. Therefore, on this basis alone, Gilman does not anticipate any of the pending claims.

Furthermore, Gilman also fails to teach or suggest heterodimers of two zinc finger domains in which dimerization of the two zinc finger (ZF) domains is mediated by a ligand. Rather, as set forth on page 9 of Gilman, this reference clearly indicates that when a single linker is used between two DNA-binding domains, one of the DNA-binding domains is a homeodomain. See, lines 14 and 23 on page 9 of Gilman. Furthermore, when the composite protein of Gilman includes 2 naturally occurring zinc finger DNA-binding domains, the zinc finger proteins are not bound to each other via a linker as claimed, but rather, are complexed to a homeodomain via 2 linker molecules (see, page 9, line 28 of Gilman, where ZF1 and ZF2 are zinc finger proteins, L1 and L2 are linkers, and HD is a homeodomain DNA-binding domain):



Thus, Gilman does not in any way describe or demonstrate complexes as set forth in claim 34 or the switching systems as set forth in claim 48. Accordingly, withdrawal of the rejection is in order.


CONCLUSION

In light of the amendments and remarks presented in this paper, it is believed that the elected species are in condition for allowance. Applicants thus respectfully request consideration of the remaining species and rejoinder of the method claims.

Please direct all communications to the undersigned, using the contact information provided below.

Respectfully submitted,

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